

Minutes – October 9, 2014

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Pamela Smith, Chairman, Wayne Magoon, Vice Chairman; Guy N. Black, Thomasina Coates, and William B. Young. Also appearing in support of the Board were Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary.

This being the conclusion of Vice Chairman Wayne Magoon's second full term, the Board offered their sincere gratitude for his knowledge, leadership and professionalism during his 8 years on the Board. Mr. Magoon graciously thanked the Board and the Commissioners for the opportunity to serve on the Board of License Commissioners and wished the remaining members and new appointee well. Mr. Magoon stepped down and the Board commenced with the introduction and swearing-in of new appointee: Steve Lowe. The Board welcomed and the Chairman administered the Oath of Office to Mr. Lowe, who begins his service as an at-large member.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

Citizens for Debra Davis Campaign, by: Tanya Dorsey, Treasurer, for a 1-day temporary alcoholic beverage license to sell/serve BWL on Sunday, October 12, 2014 from 4-9 p.m., inside Coates Estates, White Plains, for a fundraiser with approx 50 people expected to attend. Thomasina Coates recused herself from the Board due to a conflict of interest, and testified as a witness on behalf of the applicant.

Cobb Island VFD, Inc., by: Kathryn Kilinski, for a 1-day temporary alcoholic beverage license to sell/serve Beer Only on Sunday, November 2, from Noon-5 p.m. inside/outside Cobb Island Firehouse for their annual Ham & Oyster fundraiser with approx. 400 people expected to attend.

La Plata VFD, Inc., by: Lynn Gilroy, for two(2) 1-day temporary alcoholic beverage licenses to sell/serve BWL on Saturday, October 25; and Saturday, November 22, from 7p.m. to 2 a.m., inside the firehouse for Texas Hold'em tournaments with 75-100 people expected to attend each event.

Bryans Road VFD & Rescue Squad, Inc., by: Elvan Hedges. Appearing on behalf of the applicant was Paul Tackish, for two(2) 1-day temporary alcoholic beverage licenses to sell/serve BWL on Saturday, October 11; and Saturday, December 13, from 6p.m. to 2 a.m., inside the firehouse for Texas Hold'em fundraisers with approx 50 people expected to attend each event.

Sacred Heart Catholic Church, by: Rev. Robert Buchmeier. Appearing on behalf of the applicant was Ruth Renyan, for a 1-day temporary alcoholic beverage license to sell/serve Beer & Wine on Saturday, October 18, 2014 from 6:30-9:00 p.m. inside the Friendship Room for a Murder Mystery dinner with approx. 80 people expected to attend.

Charles County Chamber of Commerce, by: Betsy Burian, Executive Director. Appearing on behalf of the applicant was Dee Hancock, for two (2) 1-day temporary alcoholic beverage license to sell/serve BWL on the following dates/locations for Chamber mixers with approx 100 people expected to attend each event:

- ~ Thursday, Nov 6, 5:30-7:30 p.m. at Community Bank of the Chesapeake
- ~ Thursday, Dec 4, 5:30-7:30 p.m. at Baldus Real Estate, La Plata

Charles County Fair, Inc., by: Bruce Culver. Appearing on behalf of the applicant was Agnes Birch and JT Hindle from the Executive Board, for a 1-day temporary alcoholic beverage license to sell/serve Beer & Wine on Sunday, November 9 from noon-5 p.m. near the main stage at the fairgrounds for a fundraiser concert with approx 500 people expected to attend.

Newburg VRS & FD, by: Andrew Spalding, for a 1-day temporary alcoholic beverage licenses to sell/serve Beer Only on Saturday, November 29, from 3p.m. to Midnight inside and in a defined area outside the firehouse for a concert/fundraiser with 200-400 people expected to attend. Board member Guy Black recused himself due to a conflict of interest.

The application filed on behalf of Wine Diva/FOP # 24, by: Mary Jane Cupples, for a 1-day temporary alcoholic beverage license to sell/serve Beer Only on Monday, October 27 from 1-5:30 p.m. at White Plains Golf Course for a fundraiser with approx 70 expected to attend, was withdrawn by the applicant.

2. The Board approved a request filed by Gary Fick, Culinary Blue Dog, LLC, t/a Blue Dog Saloon, 7940 Port Tobacco Road, Port Tobacco, Maryland 20677, for a 1-day Special Exception to expand their licensed premises to include a defined outside area, for a wedding reception on from 3-9 PM, Sunday, October 19, 2014.

3. Carrie A. Wright, Jules Fagens, The Rivah, Inc., t/a The Rivah, 12364 Neale Sound Drive, Cobb Island, Maryland 20625 for a transfer of the Class B – BWL (on sale only) alcoholic beverage license from Jules Fajans, The Rivah, Inc., t/a The Rivah, 12364 Neale Sound Drive, Cobb Island, Maryland 20625. Counsel to the applicants was Robert Moreland, Esq. Testimony was presented by the applicants as to the facts contained in the application, including evidence that Ms. Wright now serves as the President of The Rivah, Inc., holding an 80% interest, and Mr. Fagens will serve as Vice President holding a 20% interest. The applicants anticipate no change in operation of the premises. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. The Board further reiterated the continuation of the 2011 Consent Order with regard to the outside service area. Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon the filing of an Affidavit of Posting and payment of the appropriate transfer fee.

4. Show Cause in the matter of the Class D - BWL (on/off) alcoholic beverage license issued to Lakhvir Singh, Manjiinder Kaur, Singh Brothers, Inc., t/a Vino Liquors, 60 Drury Drive, La Plata, Maryland 20646, alleging illegal service to a minor on July 11, 2014, came before the Board. The licensee appeared and was represented by David Martinez, Esq. Also appearing was the alleged server, Jairo Arturo Recinos Ogaldez. Mr. Martinez, on behalf of his client acknowledged receipt of the Charges and Show Cause Order at least ten (10) days prior to the hearing and admitted to the allegation contained in the Show Cause Order, as did the server Jairo Arturo Recinos Ogaldez. Testimony was presented by M/Cpl. Judith Thompson as to the contents of her police report. Further testimony was presented by the licensees and the server as to the mitigating circumstances involved in this sale, and their previous compliance records and current training policies. Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with two of the three days held in abeyance for three years. The suspension is to begin at opening of business on Tuesday, October 14 and end at close of business on Tuesday, October 14, 2014; and, it was further ordered that the licensee, Manjiinder Kaur, Singh Brothers, Inc., t/a Vino Liquors, 60 Drury Drive, La Plata, Maryland 20646, be fined Seven Hundred Fifty Dollars, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners before reinstatement of the alcoholic beverage license; and it was further ordered that the server, Jairo Arturo Recinos Ogaldez, be fined One Hundred Dollars, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 30-days of the date of the written order.

5. Show Cause in the matter of the Class B - BWL (on sale only) alcoholic beverage license issued to Rebecca Lynn Pender, Kara Anne Pender, t/a Phil's Place, 5826 Gallant Green Road, Hughesville, Maryland 20637, alleging illegal service to a minor on July 11, 2014. The licensee Kara Anne Pender appeared and acknowledged receipt of the Charges and Show Cause Order at least ten (10) days prior to the hearing and admitted to the allegation contained in the Show Cause Order. Also appearing was the alleged server, Justin Michael Reynolds, who also acknowledged receipt of the Charges and Show Cause Order at least ten (10) days prior to the hearing and admitted to the allegation. Also appearing as a witness for the licensee was the manager, Matthew Wagner. Testimony was presented by M/Cpl. Judith Thompson as to the contents of her police report. Further testimony was presented by the licensee and the server as to the mitigating circumstances involved in this sale, and their previous compliance records and current training policies. Upon consideration of the testimony and evidence presented, the Board ordered that the alcoholic beverage license be suspended for a period of 3 days, with 2 of the 3 days held in abeyance for 3 years. The suspension is to begin at opening of business on Tuesday, October 14 and end at close of business on Tuesday, October 14, 2014. The Board further ordered that the licensees, Rebecca Lynn Pender, Kara Anne Pender, t/a Phil's Place, 5826 Gallant Green Road, Hughesville, Maryland 20637, be fined Five Hundred Dollars (\$500.00), made payable to the Charles County Treasurer and delivered to the Board of License Commissioners before reinstatement of the alcoholic beverage license; and that the server, Justin Michael Reynolds, be fined One Hundred Dollars (\$100.00), made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 30-days of the date of the written order.

6. Show Cause in the matter of the Class A - BWL (off sale) Package Goods alcoholic beverage license issued to Natverial Hirabhai Patel, Kudrat Corporation, t/a Pinefield Liquors, 12545 Mattawoman Drive, Waldorf, Maryland 20601. Counsel to the licensee was Isaac J. McAdams, Esq. At the request of the licensee this matter was continued until the next hearing date.

7. Legislative Work Session:

I. The Board conducted a follow up Legislative Work Session regarding a proposal to Increase the Annual License fee for all Class A – Beer, Wine & Liquor (off sale only) alcoholic beverage license fees from \$480 to \$960. The record was left open to allow for public comment in regard to the Class A proposed fee increases affecting approx. 26 current Class A Licenses, and no opposition was presented.

The Board then reviewed the remaining classes and recommended fee increase as follows:

Class A – BWL (off sale) Package Goods	.	\$ 480 to	\$ 960
Class D – BWL (on/off sale)	.	\$1140 to	\$ 1,320
Class D – BW (on/off) L (off sale only)	.	\$ 720 to	\$ 1,020
Class C – BWL (on sale) Non Profit Club	.	\$ 300 to	\$ 350
Class D – BW (on/off sale)	.	\$ 240 to	\$ 340
Class H – BW (on sale only)	.	\$ 240 to	\$ 340
Class D – Beer (on/off sale)	.	\$ 180 to	\$ 240
Class D – Ten Day Special Beer (Non Profit)		\$ 25to	\$ 45
Class C – One Day BWL (Non Profit)	.	\$ 15to	\$ 25

In addition, just as passed last year for all Class B licenses in Charles County, the Board would like to propose an additional \$200 fee for those licensees with approved outside service areas and an additional \$200 fee for live entertainment, as defined by the Board of License Commissioners.

II. A legislative proposal by Halimah Neal to “[a]llow service, social and event oriented businesses, to bring your own bottle and complimentary drink services to their guests and patrons.” This proposal will benefit “Service, social and event oriented businesses, such as art studios, galleries, spas and salons”. The Board reviewed this declined to support it at this time.

III. The Board briefly discussed unsealed container legislation, also known as “growlers” however, declined to move forward with this initiative as there was no pending request before the Board at this time.

The 2015 Citizens’ Legislative Package Public Hearing is scheduled for Tuesday, October 21, at 7:00 p.m. Representative fm BOLC will appear to present the proposal to increase license fees and answer any questions the Commissioners may have.

8. The Clerk advised that she had received notification that the Prime Street Grille had completed repairs and has reopened.

9. The Clerk presented a Memorandum from M/Cpl. Judith Thompson advising that Mimi's Restaurant had closed and vacated premises in September. The Board directed the clerk to contact the corporate office to attempt to obtain written verification and the alcoholic beverage license to close out the file.

10. Jeremy A. Bull, Jerry Dianis, Judith Allean Browne Dianis, Newburg Food, LLC, t/a Potomac Boathouse Grille, 11415 Pope's Creek Road, Newburg, Maryland, appeared as the approved license had not been picked up and the premises remains closed. The applicant initially appeared on June 12 for a new Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license. The Board ordered that the application be approved with contingencies and the license picked up by September 15, 2014. As of this date, the credit rating for all three applicants; alcohol awareness certification, Use & Occupancy Permit, State of MD Sales Tax ID, Workers' Comp certification, remain outstanding. The Board approved a 60-day extension and advised the applicant if the license is not picked up by the January, 2015 hearing to re-appear.

11. Upon a motion duly made, seconded and unanimously carried, the Board approved the Minutes of the August 14, 2014 hearing.

12. With no further business the meeting adjourned at 1:20 p.m. The next meeting is scheduled for November 13, 2014.